



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 9, 2004

Sharra Mercer
Davis, Bowen & Friedel
One Plaza East, Ste 200
Salisbury, MD 21801

RE: PLUS review – PLUS 2004-06-15; Holiday Park

Dear Ms. Mercer:

Thank you for meeting with State agency planners on June 23, 2004 to discuss the proposed plans for the Holiday Park project to be located on Route 1, north of 5 points, near Lewes.

According to the information received, you are seeking site plan approval for 176 condominiums and 15,000 square foot of commercial space on this parcel. The Site is currently zoned C-1 and no change of zone is requested.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact Ann Marie Townshend 739-3090

The Office of State Planning Coordination notes that the proposal is located with in an Investment Level 2 area according to the 2004 draft *Strategies for State Policies and Spending*. The State Strategies document has been endorsed by the Cabinet Committee on State Planning Issues and is awaiting final approval by Governor Minner. In Investment Level 2 areas, State policies encourage well-planned and orderly development

and redevelopment activities. It is also within the Environmentally Sensitive Developing Area according to the 2003 Sussex County Comprehensive Plan.

In general, the State supports redevelopment of previously developed areas. We would encourage the developer to redesign the site plan using the concepts and principles detailed in our recent publication *Better Models for Development in Delaware*. In particular, we would encourage a design that would facilitate a better flow of pedestrian and bicycle traffic. The service road recommended by Richard Kautz of Sussex County Planning and Zoning might also enhance opportunities for multi-modal traffic. Regardless of whether a service road is developed, the developer should look for other opportunities to provide pedestrian connection to the commercial properties that front Route 1.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

The State Historic Preservation Office does not oppose the development, however, please be aware that there is a potential historic district that has been determined eligible for listing in the National Register of Historic places, known as Belltown, immediately south of the development. Landscaping should be provided along the southern boundary of the development to act as a visual buffer.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Access is proposed at two locations, a main entrance on Route 1 opposite Tulip Drive and a secondary access in the form of a connection to Ward Avenue, a local road leading to US Route 9. While access to the retail building, on Route 1, would be unrestricted, access to the condominiums would be gated.

The developer's engineer has already met with DelDOT regarding access to the property and DelDOT is generally agreeable to the design shown on the concept plan presented.

At the PLUS meeting, Sussex County Planner Richard Kautz offered two recommendations. First, he recommended that the parking lot access from the main driveway off of Route 1 be relocated to behind the commercial building. This change would allow entering traffic to get entirely onto the property before encountering cross-traffic. DelDOT supports that change.

Second, he recommended that consideration be given to the development of a service road along the back of the lots that front on Route 1 and separate the subject land from Route 1. A logical south (actually east) terminus of the service road would be Ward Avenue. The service road would generally be much more difficult to implement without land from the subject development. While DelDOT sees some merit in this recommendation, they have examined the potential for service roads in the area before and have not chosen to pursue this one. Further, DelDOT is aware that this applicant is coming to PLUS relatively late in the development of their plans. As mentioned above,

DelDOT has met with the applicant on multiple occasions and have not raised this issue before. Consequently, they are reluctant to do so now.

DelDOT's preference would be to pursue cross-access easements between the lots that front on Route 1 and to thereby reduce the number of access points there without creating a service road. However, if the County finds sufficient value in having a service road at this location, DelDOT would recommend that they require the developer to redesign their plan, reserving a 60-foot right-of-way along the edge of the property with one end at Ward Avenue. A schedule for acquisition of that right-of-way and the construction of the service road would then have to be determined. Because the developer has land that is properly zoned for their purpose and would not benefit from the service road, DelDOT does not recommend that they be required to dedicate the right-of-way and build the road in it.

DelDOT would recommend that the developer's engineer continue to coordinate with the Subdivision Manager for Sussex County, Mr. John Fiori, regarding their more detailed requirements for the design of the site entrance. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Soils

According to the Sussex County soil survey update, Greewich-Urban Land complex was mapped in the immediate vicinity of the proposed construction. Greenwich-Urban Land complex is a well-drained soil that has been degraded by land clearing, filling, and grading activities; development limitations are dependent on site specific variations of disturbance.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a "pollution runoff mitigation strategy" to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Broadkill River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as "methodological mitigative strategies" to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule.

Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

Stormwater management is an integral part of the site development infrastructure. The planning and design for stormwater management should begin early. The applicant is encouraged to contact the Sussex Conservation District as soon in the planning process as possible in order to receive their preliminary comments. Contact Jessica Watson at (302) 856-7219.

Revegetation

DelDOT requests that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <www.dnrec.state.de.us/fw/invasive.htm>. It is further recommended that you use native plants and the DNREC botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Nuisance Species

DNREC recommends that measures to deter nuisance geese be incorporated into the design of stormwater management ponds. It will be difficult to deter geese attracted to the large ponds in the plan, and reducing their size should be considered if feasible. Canada geese and mute swans are attracted by these types of water bodies and can become a nuisance to community residents. Although small numbers of these species are enjoyed by residents, geese and swans can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds that remain in the subdivision plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However,

native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number or size of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Recreation

The planned parking exceeds the required number of parking spaces by 37. If all the parking spaces surrounding the pool were removed to create a larger open space for active recreation, the number of remaining parking spaces will still exceed the requirement by 5 spaces.

Underground Storage Tanks

There are three inactive LUST sites located near the proposed project:

Confidential Services, Facility # 5-000600, Project # S9510238

Best's Store, Facility # 5-000710, Project # S9212279

Edgehill Pharmacy, Facility # 5-000661, Project # S9512290

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (Storage/Industrial/Mercantile) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from SR-1 must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”

- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures. Please contact Duane Fox at 302-856-5298 for more information.

Department of Agriculture - Contact: Mark Davis 739-4811

A forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Malak Michael 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety Guidelines.

Delaware Emergency Management Agency – Contact: Kevin Kille 659-3362

Be advised that this project is located at the juncture of Route 1 and Route 9, both of which are Coastal Storm Evacuation Routes. The junction has also been identified as a potential “choke point” or “bottleneck” in the event of a coastal storm. Additional development in the area would contribute to the increased number of persons and vehicles needing to utilize these routes. Developers should notify police, fire service, and emergency medical organizations serving Lewes of their intentions.

Sussex County – Contact: Rick Kautz 855-7878

The site plan must be accompanied by the Report required by the Environmentally Sensitive Development District overlay (copy attached). The report should specifically address how the development will mitigate any negative impact on the site's "excellent" and "good" aquifer recharge areas.

The developer's engineer should work with DelDOT to redesign the commercial entrance to eliminate conflicting turning movements between traffic entering and exiting the residential part of the site and the traffic going to and from the commercial site. The addition of a service drive along the south side of Route 1 between the railroad overpass and the Five Points intersection should also be explored by DelDOT and the developer. As suggested by the County Comprehensive Plan, such a service road would provide local access while preserving or increasing capacity.

The County Engineering Department states: "The project proposes to redevelop an existing RV campground and mobile home park into 176 town homes and 15,000 square feet of office or retail space. The proposed use would result in at least 191 Equivalent Dwelling Units if commercial space is for offices. The proposal will result in a density that exceeds 12.0 EDUs per acre. The project is within the West Rehoboth Expansion area for central sewer and improvements in the existing park are currently connected to the sewer system.

The proposed project exceeds sewer system design assumptions for sewer service and there is not adequate sewer capacity in the downstream system for the proposed project. The proposed project will not be approved for sewer connection by the Sussex County Engineering Department. There are currently 118.33 EDUs on parcel 137 that have connected to the sewer system and parcel 95 was assumed to have a potential 8.0 EDUs. Therefore, the total design assumption for the parcel was 126.33 EDUs and that is the maximum total EDUs that can be approved for connection. In addition, before connection of a redeveloped parcel can occur, pump station 207 will require upgrading or that station must be bypassed by rerouting flow out through parcel 95 to the gravity line in Route 9. Sussex County has undertaken a revision of the capacity evaluation and planning study to identify system deficiencies and a future developer is expected to complete upgrades to address those deficiencies. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

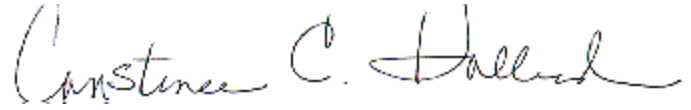
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Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP
Director

CC: Sussex County